

THE STATE OF TEXAS
 COUNTY OF Williamson

X
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IN THE JUSTICE/MUNICIPAL
 OR COUNTY COURT # _____
 WILLIAMSON COUNTY, TEXAS

COMPLAINT / AFFIDAVIT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

The undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:

My belief of the foregoing statement is based upon:

I, Michael A. Scheffler, being duly sworn, do state upon my oath that I have good reason to believe, I do believe, and I charge heretofore, that before the filing of this complaint, that Michael J. Krusee, on or about the 30 day of April, 2008, in Austin, Williamson County, Texas, did then knowingly and intentionally operate a motor vehicle while intoxicated upon a public roadway in the said County and State, to wit: Anderson Mill, eastbound from US 183.. At the time he/she operated the motor vehicle, the said driver did not have normal use of his/her mental or physical faculties as a result of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into his/her body.

Probable cause for arrest was based on the following facts:

On Wednesday, April 30, 2008 at approximately 10:13pm I was on patrol and traveling east on Anderson Mill Road from US 183. As I crossed under US 183 on Anderson Mill Road I observed a black, BMW bearing TXLP# SO-113 in the right turn lane of the northbound frontage road of US 183. The vehicle made a right turn from US 183 and proceeded east on Anderson Mill Road in the outside lane. As I followed the vehicle and we approached Pond Springs I observed that the vehicle was weaving from one side of its lane to the other. I got closer to the vehicle and observed that the license plate showed to have expired in December 2007. I ran the plate through DPS Austin Communications and we proceeded east on Anderson Mill Road. After the vehicle turned left onto Black Oak, DPS Communications confirmed that the plate had expired in December 2007. I turned after the vehicle and caught up to it at Black Oak and Briar Hollow and initiated a traffic stop for Display Expired Registration. We came to a stop in approximately the 13000 block of Briar Hollow. I approached the vehicle, identified myself to the driver, advised him of the reason for the stop and asked to see his driver license and insurance. As I stood at the door of the vehicle I observed the strong odor of a metabolized alcoholic beverage. I also observed that the driver's eyes were red and watery and his eyelids were droopy. I asked the driver: KRUSEE, Michael, W/M, DOB 02/26/59, [REDACTED] to step out of and to the rear of the vehicle. As I spoke with KRUSEE I observed that there was the strong odor of a metabolized alcoholic beverage on his breath and he swayed as he stood. I asked KRUSEE how much he had to drink and he told me that he had one glass of wine.

After determining that KRUSEE was a candidate I administered Standardized Field Sobriety Tests (SFST's) and he exhibited sufficient clues to indicate intoxication. Based on my observations of KRUSEE and his performance on the SFST's I formed the opinion that he had lost the normal use of his mental and physical faculties by reason of the introduction of an alcoholic beverage into his system and was, therefore, intoxicated. I advised KRUSEE that he was under arrest for Driving While Intoxicated (DWI), advised him of his Miranda Rights, placed him in handcuffs and into the front seat of my patrol car.

I read KRUSEE a DIC-24 Statutory Warning at the scene and he refused to submit to a breath or blood test and also refused to answer any questions. I then transported and booked KRUSEE into the Williamson County jail for DWI.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS

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Through the course of the investigation, the Affiant has learned the following additional facts:

I, Texas Peace Officer Michael A. Scheffler, have good reason to believe, and do believe, the aforesaid was driving a motor vehicle to wit: 2007 530i, Black, BMW, upon Anderson Mill, eastbound from US 183., a public place in Williamson County, Texas.

COLLISION: Non-Accident **Injuries of any party:** None

The accused was identified as the driver of the vehicle by:

Defendant was the only person in the vehicle.

The identity of the driver was: Michael J. Krusee **Alias (if any):** _____

Race: W Sex: M DOB: 2/26/1959 Hair Color: BLN Eye Color: HAZ
 Height: 5' 10" Weight: 170 DL#: [REDACTED] ID#: _____ SSN#: _____

TYPE of DWI Alcohol only Drug only Combination of Drug and Alcohol Drug suspected

The said accused appeared intoxicated and had lost the ability to operate a motor vehicle safely based upon the following conditions exhibited by the accused:

- | | | | | | |
|-------------------|--|--|--|--|--|
| Clothing: | <input checked="" type="checkbox"/> Disorderly | <input type="checkbox"/> Soiled | <input type="checkbox"/> Torn | <input type="checkbox"/> Stained | <input type="checkbox"/> Orderly |
| Odor of Beverage: | <input checked="" type="checkbox"/> Strong | <input type="checkbox"/> Moderate | <input type="checkbox"/> None | | |
| Eyes: | <input checked="" type="checkbox"/> Bloodshot | <input checked="" type="checkbox"/> Watery | <input checked="" type="checkbox"/> Droopy | <input type="checkbox"/> Dilated | <input type="checkbox"/> Normal |
| Attitude: | <input type="checkbox"/> Indifferent | <input type="checkbox"/> Combative | <input type="checkbox"/> Cocky | <input checked="" type="checkbox"/> Cooperative | <input type="checkbox"/> Apologetic |
| Speech: | <input type="checkbox"/> Slurred | <input type="checkbox"/> Slow/Mumbled | <input type="checkbox"/> Thick-tongued | <input type="checkbox"/> Incomprehensible | <input checked="" type="checkbox"/> Normal |
| Balance: | <input type="checkbox"/> Falling | <input type="checkbox"/> Needed support | <input type="checkbox"/> Unsteady | <input checked="" type="checkbox"/> Swaying | <input type="checkbox"/> Normal |
| Walking: | <input type="checkbox"/> Swaying | <input type="checkbox"/> Staggering | <input type="checkbox"/> Falling | <input checked="" type="checkbox"/> Heavy Footed | <input type="checkbox"/> Normal |

Unusual Acts: _____

Medications or Drugs Taken: Yes No

DRE Evaluation Performed: Yes No

Open Containers: Yes No Description: _____

Previous DWI/DUI: Yes No Description: N/A

Field Sobriety Test Given:
 HGN observed 6 of 6 clues Reason not given: N/A
 Walk and Turn observed 3 of 8 clues Reason not given: N/A
 OLS observed 2 of 4 clues Reason not given: N/A

Other Field Sobriety Tests Given Results: N/A

Specimen Provided: Yes No Refused Results: _____ Breath Blood Urine

Affiant Certified as: DRE SFST Intoxilyzer 5000 Operator

Child Passenger in vehicle: Yes No Child: _____

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Statements made by suspect:

Stated that he had drank one glass of wine before dinner. Stated that he had no medical conditions, head injuries or physical impairments and had not take any medications recently.

THE ABOVE-STATED OFFENSE WAS COMMITTED AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS

[Signature]
Affiant

5/1/08
Date

Sworn and subscribed to before me by Michael Scheffler, a credible person, on this 5/1/08 Date (month/day/year)

[Signature]
Peace Officer in and for Williamson County, Texas

On this day, May 1, 08, I hereby acknowledge I have examined the foregoing affidavit along with all evidence available to me, and have determined that probable cause exists for the issuance of a warrant of arrest for the individual accused therein.

Magistrate, Judge/Justice of the _____ Court, Williamson County, Texas

[Signature] @ 745am
Magistrate signature.

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